IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

TUESDAY, THE 29TH MAY 2007 / 8TH JYAISHTA 1929

WP(C).No. 14771 of 2007(H)

OA.6/2006 of DEBT RECOVERY TRIBUNAL, ERNAKULAM

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PETITIONER:

SOSAMMA ABRAHAM, W/O.ABRAHAM,
CHEMPITHRAYIL HOUSE, NEAR M.C. ROAD,
PALLAM POST, NATTAKOM VILLAGE,
KOTAYAM DISTRICT.

BY ADV. SRI.P.KURUVILLA JACOB

RESPONDENTS:

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1. THE STATE BANK OF TRAVANCORE,
MAIN BRANCH AT KOTTAYAM, REPRESENTED BY
ITS MANAGER.

2. THE DEBT RECOVRY TRIBUNAL,
ERNAKULAM.

BY ADV. SRI.M.PATHROSE MATTHAI (SR.)
SRI.SAJI VARGHESE, SC FOR R1,
ADV. SHRI. M.K.PUSHPALATHA, GOVERNMENT PLEADER FOR R2

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 29/05/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

C.N.RAMACHANDRAN NAIR, J.

WP(C) No. 14771 of 2007

Dated, this the 29th day of May, 2007

J U D G M E N T

Petitioner's grievance is that 1st respondent Bank without authorisation made payment from the loan account of the petitioner to suppliers of raw materials / goods to petitioner's business unit. If Bank has made payment without proper authorization, it is for the Bank to account for the same. It is seen that DRT has rejected petitioner's application only because petitioner has not furnished details. In the circumstances, WP(C) is disposed of directing 1st respondent Bank to submit entire loan files before the DRT for perusal. DRT is therefore directed to verify petitioner's allegation and take decision after hearing both sides. If any unauthorized action is done by the Manager, DRT will order action against him by the Bank.

This WP(C) is disposed of as above.

(C.N.RAMACHANDRAN NAIR, JUDGE.)

jg